

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SEATTLE, WASHINGTON 98168

In the matter of the petition of

FALCON JET CORPORATION

Regulatory Docket No. 017NM

for an exemption from § 25.813(e)
of the Federal Aviation Regulations

DENIAL OF EXEMPTION

By letter dated May 19, 1988, Allan O. Vaughn of the Falcon Jet Corporation, Teterboro, NJ, petitioned for exemption from § 25.813(e) of the Federal Aviation Regulations (FAR) to permit type certification of the Avions Marcel Dassault-Breguet Aviation (AMD-BA) Mystere-Falcon 900 with a door installed in the passenger cabin between passenger compartments.

The AMD-BA Mystere-Falcon 900 is a pressurized, low wing, transport category airplane powered by three turbofan engines. United States Type Certificate No. A46EU was issued March 7, 1979, for the Model Mystere-Falcon 50 and amended on March 21, 1986, for the Model Mystere-Falcon 900, under the provisions of an existing bilateral agreement with the government of France. The U.S. type certification basis for the Model Mystere-Falcon 900 includes Part 25, as amended by Amendments 25-1 through 25-56, except for some sections not relevant to this petition. As currently type certificated, the Model Mystere-Falcon 900 is eligible for a maximum passenger seating configuration of 19.

Section of the FAR affected:

Section 25.813(e), Amendment 25-56, requires that "no door may be installed in any partition between passenger compartments."

The petitioner's supportive information is as follows:

1. The petition is strictly limited to Part 91 operations.

ANM-88-022-E

2. The aircraft is most often used for executive transportation. Although certificated for 19 passengers, the usual interior configuration at delivery is for 12 passengers, and the average flight is reported to carry only 2 to 5 passengers.
3. There have been "numerous customer requests to have the passenger compartment divided into two parts in order to permit private business meetings while in cruise flight. Very often such

meetings involve the discussion of highly sensitive business data which, for bona fide commercial reasons, top corporate officials do not wish to share with other passengers on the flight."

4. The petitioner has designed a cabin partition with a sliding door to accommodate this need "which will permit the closing off of a portion of the cabin during cruise flight." The partition is located aft of the aft-most emergency exit.
5. "During takeoffs, landings and other appropriate times, the sliding door will be held in its normally open position by a sturdy latching mechanism designed to withstand maximum anticipated side loads."
6. "When opened, the door will be completely stored and latched in the cabin partition framework thus permitting absolutely free access to the cabin aisle and the emergency exit in the cabin by all passengers."
7. "The sliding door will also be placarded in accordance with FAR 25.1557(d) as follows: `DOOR MUST BE LATCHED IN THE OPEN/STOWED POSITION DURING TAKEOFF AND LANDING'."
8. The petitioner believes that their door design "meets or exceeds the level of safety required by FAR § 25.813(e) in that it permits absolute access to all of the aircraft's normal and emergency exits by all passengers."
9. The petitioner further believes that § 25.813(e) was primarily aimed at Part 121 operators of large commercial transport aircraft, rather than at aircraft such as the Falcon 900 where all the passengers "are only steps away from the nearest emergency exit."
10. The petitioner also states that this partition/door installation is in the public's best interest in that "It will permit the conduct of important business meetings which, because of their sensitivity, require an atmosphere of complete privacy."
11. Finally, the petitioner claims that the FAA has already granted approval of a similar door arrangement in the Gulfstream IV, an aircraft in direct competition with the AMD-BA Mystere-Falcon 900.

A summary of the petitioner's May 19, 1988, request for exemption was published in the Federal Register on July 22, 1988 (53 FR 27791). No comments were received.

The FAA's analysis/summary is as follows.

The Model Mystere-Falcon 900 has two emergency exits: a floor level entry/exit at the front of the passenger cabin on the left-hand side, and an overwing Type III exit about two thirds of the way back down the cabin on the right hand side. The proposed partition/door installation is aft of the rear exit. Thus the forward cabin with 8 seats available for occupancy for takeoff and landing would have both exits fully accessible, one on each side of the aircraft. The aft cabin with 4 seats available for occupancy during takeoff and landing would have no exits immediately accessible.

Amendment 25-1, effective June 7, 1965, added § 25.813(e) to the requirements for transport category airplanes, and it reads, "No door

may be installed in any partition between passenger compartments." The intent of this regulation was to prevent the possibility of a hazardous situation developing should the doors within the cabin be closed inadvertently. In the case of this proposal, such a hazard could easily develop if the sliding door were inadvertently left closed and then jammed shut in an otherwise survivable emergency landing. The only escape for the occupants of the aft compartment would be to break through the door or break down the partition.

The petitioner assumes that the proposed placard would be strictly adhered to, and the door would always be latched open for takeoff and landing; yet in the proposed Part 91 service, there would be no flight attendant or crewmember with the responsibility or the authority to see to it that the placard instructions are observed. If, as the petitioner states, the meetings being held in this compartment involve discussion of highly sensitive business data, then it seems quite likely that the sliding door would occasionally be left closed during such discussions.

The FAA does understand the need for privacy in some portion of the cabin of a business aircraft, but no argument has been presented to show that a partition with a curtain doorway, as widely used on other aircraft, would not provide this. With suitable overlap, a curtain can certainly provide visual privacy, and with proper material selection, a good measure of auditory privacy as well. The remaining auditory isolation would be provided by the aircraft's ambient cruise noise level.

The petitioner states that the Gulfstream G-IV (G-1159C) aircraft has an FAA approved cabin interior door of the kind proposed herein, and that this is unfair and places them at a competitive disadvantage. The regulations with which compliance must be shown for any aircraft are those contained in the certification basis for that model. Application for Type Certificate for the original Gulfstream G-II (G-1159) was June 24, 1964. Since this predates the introduction of § 25.813(e), the certification basis for the Gulfstream G-II does not include this rule. The Gulfstream G-IV (G-1159C) is a growth version of the basic G-II. Amendments to the certification basis for growth versions of a basic aircraft are governed by § 21.101, which provides that the new model must comply with either the regulations incorporated by reference in the original type certificate, or the applicable regulations in effect on the date of application for the new model, plus any other amendments the Administrator finds to be directly related. In this case, the later requirement of § 25.813(e) was not made a part of the certification basis for the Gulfstream G-IV, and doors of the kind described in this petition are permitted as claimed. However, the petitioner has presented no credible evidence to show that this single design feature places the Falcon Jet Corporation at a significant competitive disadvantage.

The proposed partition/sliding door installation would provide the cabin separation needed in some business applications. The FAA, however, does not consider this approach to provide the level of safety intended by the rule, nor is a compelling argument given for granting an exemption from the rule. The petitioner has not shown that a partition with curtain doorway would not provide adequate privacy, nor that it would be detrimental to the occupants or the Falcon Jet Corporation.

Finally, the FAA would like to point out that it is possible to install the partition with sliding door at the location proposed, in full compliance with § 25.813(e), so long as the area aft of the partition cannot be occupied during taxi, takeoff, or landing. The area could

then serve as a meeting room or rest area, and the door would be considered in the same category as a galley or lavatory door. The loss of the four seats in this compartment for takeoff and landing purposes may not be significant given the low passenger loads quoted for executive use.

In consideration of the foregoing, I find that a grant of exemption from the requirements of § 25.813(e) is not in the public interest. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), the petition of Falcon Jet Corporation to exempt them from compliance with § 25.813(e) of the Federal Aviation Regulations is denied.

Issued in Seattle, Washington, on March 15, 1989.

/s/ Leroy A. Keith
Manager, Transport Airplane Directorate
Aircraft Certification Service